

BOOK REVIEW

Jared Del Rosso, *Talking about Torture: How Political Discourse Shapes the Debate* (Columbia University Press, 2015, xviii + 296 pp, £34.50) ISBN 9780231170925 (hb)

September 11 initiated a distinct narrative: American exceptionalism is under threat, the world is inhabited by fanatics, who without any real justification have decided to launch a war to destroy Western civilization and the American way of life. Key to this narrative is the claim that the Western world, particularly the United States of America (US), is at enormous disadvantage as we live in a society of rules that mean that we fight wars with one hand tied behind our backs. Del Rosso's book *Talking about Torture* engages with this narrative. The book is provocative, meticulous in its research and fascinating, underlining how Americans—or at least the political class—came to justify the use of torture, by adopting a menacing narrative of the ticking bomb, existential threats that rationalize the use of extreme, illegal measures in the name of 'saving the nation'.

The first chapter of *Talking about Torture* lays the framework for the book. It offers a socio-cultural discussion of the meaning of the word 'torture' underlining the illiberal associations that the word raises, which is why it ceased to be used. And yet, states continue with the practice, albeit in secret or by denying that they are using it. In Chapters 2 through to 6, Del Rosso presents analysis of congressional discourse on torture, which is done chronologically. In pursuing this, Del Rosso draws attention to the dynamic contextual factors that influenced the debate as to the use of torture. In Chapter 2, Del Rosso engages in a fascinating deconstruction about the way Congress responded to abuses of detainees at the Metropolitan Detention Facility (MDF) in Brooklyn, New York, contrasting it with the release of the Abu Ghraib photos. The FBI, which was investigating the 9/11 attacks, arrested over 750 detainees on alleged violation of immigration laws. These individuals were placed at the MDF. In this chapter, Del Rosso shows that in the MDF case, members of Congress simply refused to accept the information, as initially it was verbally provided and verbally denied by the accused perpetrators. Notably, a hearing of the Senate Judiciary Committee on the alleged violations at the MDF, which were highlighted in an Inspector General Report, saw only seven of the 19 Committee members attending the hearing, with only Senators Hatch and Feingold in attendance to

question both of the Committee's two panels of witnesses. There was also a willingness by the Committee and other officials to portray the abuse, if there was any, as a reaction to the 9/11 attacks and the need to forestall another possible attack. Sadly, Del Rosso does not really address how Congress responded to two Office of the Inspector General Reports that catalogued the abuses and the way detainees were treated at the MDF. This is mainly because Del Rosso is more interested in the Abu Ghraib case. In that case, the evidence was presented as photographic evidence, which arguably undermined the ability of some to challenge the veracity of the claims. In responding to the evidence, the narrative was shaped in such a way that the abuses were presented in the context of the Iraq War, with Congress calling for action so as not to undermine the war effort of winning the hearts and minds of Iraqis. The chapter highlights the importance of images when it comes to the discourse on torture. In the MDF case, there were no images, whereas the Abu Ghraib scandal began with a CBS News report 'Exposing the Truth of Abu Ghraib', which may explain why the Senate Judiciary Committee opened a hearing as to what had taken place, and the witnesses included Secretary of Defense Rumsfeld and Chairman of the Joint Chiefs of Staff, Richard Myers (at the MDF hearing there were no high-profile witnesses from the Justice Department or the FBI).

The two succeeding chapters review and assess how Congress and the US military approached the Abu Ghraib scandal. Interestingly, the chapters underline how the Abu Ghraib scandal led to the realization that abuses were pervasive in Iraq and not limited to one detention facility. Yet the answer to the widespread violations was not to see them as systemic, but rather as accidental or small mainly in reference to arrests, allowing for a dichotomous official line that Abu Ghraib was an anomaly, a product of local conditions (the war), confusion as to what was permissible and, most importantly, the pathological behaviour of a few soldiers (though not of senior commanders or policymakers). This narrative appears in Del Rosso's account of General John Abizaid, commander of the US Central Command, as Abizaid rationalized the activities of the soldiers by saying that the soldiers are fighting for their lives and that war is brutal and bloody. In other words, even though abuses were pervasive, they were still anomalies. What also appears in Del Rosso's close study of the various Senate hearings is a willingness by senior military officials, such as General Keith Alexander, the Army's Deputy Chief of Staff for intelligence, and General Ronald Burgess, the director of intelligence for the Joint Chiefs of Staff, to raise questions as to the validity of an International Committee of the Red Cross report on the abuses. That is, not to dispute the abuses, but the extent of them.

The two chapters set the scene for Del Rosso's assessment of what was occurring in Guantánamo Bay. Chapter 5, entitled 'Honor Bound', refers to a phrase institutionalized by General Geoffrey Miller who took command of Joint Task Force Guantánamo (JTF-GTMO) in November 2002. The slogan 'Honor Bound to Defend Freedom' written on the walls of the prison was designed by General Miller as a way to underlie that those troops serving in Guantánamo are committed to protect America from those who wish to harm it, but must do so in a manner consistent with American values. A month later, Defense Secretary Rumsfeld issued the 'First Special Interrogation Plan', which listed 17 techniques that the US could use (and

did use) on Mohammed al-Qahtani to extract information. The aim of the Chapter is to show how Guantánamo has morphed ‘into the domestic and global problem it now is’ (p 14). The December 2004 FBI emails, which described the detention and interrogation techniques, coupled with the June 2005 leak that was published in *Time* magazine of al-Qahtani’s interrogation suggest that in Guantánamo one saw a repeat of the abuses that had taken place in Abu Ghraib. In the second part of the Chapter, Del Rosso underlines the impact of the Supreme Court decision in *Hamdan v Rumsfeld*¹ and the 2006 mid-terms elections, which strengthened the democratic caucus, leading to increased scrutiny of the use of torture in the ‘War on Terror’. Del Rosso notes that one way in which officials sought to downgrade the abuses in Guantánamo was through a ‘numbers game’; Senators Roberts and Chambliss, with support from senior military officers, such as General Craddock, used a method employed by Senator Lieberman when discussing the Abu Ghraib violations of noting the low incident rate. Thus, Senator Roberts, for example, would point out that in the 24,000 total interrogations, officials have only found three incidents of abuses, allowing Roberts to claim that the abuse rate was infinitesimal. When FBI officers questioned the manner of the interrogations, officials were quick to point out that that the standards of collecting evidence are different and therefore FBI questions as to the manner of the interrogations were inappropriate, ill-conceived and irrelevant.

The issue of waterboarding is addressed in Chapter 7, with Del Rosso emphasizing that because the CIA had acknowledged the destruction of the videotapes of its interrogation in which enhanced interrogation techniques were used, the discourse became rather stale. In other words, because there was no definitive, first-hand, official account of the practice, ‘neither side possesses the resources necessary to settle the debate’ (p 15). A remarkable element in Del Rosso’s account, which unfortunately is not fully developed in *Talking about Torture*, is that with the Supreme Court’s decision in *Hamdan* in June 2006, in the Senate and House Armed Services Committees and the Senate and House Judiciary Committee hearings there is a slight change in the discourse on detainees’ rights and prosecutions. The Court’s decision in *Hamdan* required Congress to construct a legislative framework for prosecuting the individuals detained in Guantánamo, which meant having to deal with the way the evidence had been obtained. These hearings, which were attended by high-ranking members of the executive branch, sought to challenge those members of Congress who were becoming uneasy with the interrogation techniques as well as with the facility in Guantánamo, leading to the adoption of the controversial 2006 Military Commissions Act.

In Chapter 7, Del Rosso returns to the political, partisan discourse that surrounds torture/enhanced physical interrogation techniques, leading him to suggest that the willingness to use drones as a key instrument in US counterterrorism policy stems from the aforementioned debate as to the use of torture/enhanced physical interrogation. Put differently, contemporary US counterterrorism policy takes the position that it is better to kill the terrorists than capture them. In pursuing such as policy, the administration limits, if not removes, the need for a discussion on interrogation

1 548 U.S. 557 (2006).

or the debate as to where such individuals should be housed. These issues as to how to interrogate, detain and prosecute, came to the fore with the capture of Ahmed Abdulkadir Warsame (captured in 2011), Abu Anas al-Libi (captured in 2013) and Ahmed Abu Khattala (captured in 2014). These men were interrogated on Navy ships before being transferred to federal custody. In other words, US officials have come to the conclusion that because interrogation of alleged terrorists is so politically problematic, they must devise a mechanism of eliminating the threat without entering the politically charged discourse on interrogation methods.

Del Rosso concludes his study by referring to the 2008 Physicians for Human Rights report, *Broken Laws, Broken Lives: Medical Evidence of Torture by U.S. Personnel and its Impact*. The principal aim of the report, at least for Del Rosso, is to elicit 'narratives of torture and the continuing effect of it in the lives of eleven detainees' (p 176). Clearly, interrogation of alleged terrorists has been highly challenging for the US, which since 9/11 had adopted a legislative framework including two new Attorney General's guidelines for national security investigations. And yet, serious gaps remain, mainly because of the way in which the political class has securitized terrorism, creating the notion of a permanent 'public emergency', which is used to defend many illiberal measures.

Talking about Torture is an important book, offering a unique perspective on how the political class, and by extension the military, approached the question of interrogations. It also attempts to address the manner in which the US was going to counter the threat posed by Al-Qaeda after the September 11 attacks. However, Del Rosso's determination to review the discourse often means that large sections of the book are quotes from members of Congress or from reports that only labour the point that Del Rosso had already made (there is also some repetition of sources). More problematic is that Del Rosso at times glosses over the shock and horror that the attacks of 9/11 caused for many Americans, who watched the destruction of the iconic Twin Towers in real time. The aim here is not to justify what has been done under the guise of 'keeping the nation safe' but rather to raise a note of caution, as hindsight is a wonderful tool. Thus, in retrospect, a persuasive argument could be made that the reaction to the attacks was exaggerated and has placed the US and the world on a path that it is unable to abandon, but to do so requires more in-depth assessment as to the actual shock that many American experienced, as to them 9/11 was a day of infamy. The attacks shattered so many well-established, cherished truths, especially as many Americans could never countenance the notion of 'why do they hate us?'² Simply, what Americans have shown since 9/11 is either a lack of resilience or at least the ability to learn to live in an era of terrorism, as many in Europe, South Asia and the Middle East have learned to do. Yet, on an ordinary day, 19 individuals committed horrific acts of indiscriminate violence, not only against the US but against the civilized world (see, for example, *Le Monde's* powerful headline on 12 September, '*Nous sommes tous américains—We Are All Americans*'). Thus, adding a bit more context to the analysis would have strengthened some of Del Rosso's very powerful observations, particularly the idea that the US Government engages in

2 Zakaria, 'The Politics Of Rage: Why Do They Hate Us?' 14 October 2001, available at: www.newsweek.com/politics-rage-why-do-they-hate-us-154345 [last accessed 9 June 2016].

drone warfare so that it does not have to deal with interrogations. Moreover, Del Rosso would also benefit in noting that the failure of Congress to lead to calmer heads has instituted a sense of paranoia of the 'other' in the US, which has led, for instance, to the temporary removal of an economics professor from a flight because his seatmate suspected him of terrorism, taking his math formula for Arabic and his Italian looks to be Middle Eastern.³

Del Rosso has provided a unique account as to the way the discourse on torture/enhanced physical interrogation/drone warfare has evolved in the US, how it has been shaped by a fixation with US national security, with proponents and opponents often forgetting that these policies impact the lives of real people, many of whom have committed no wrongs beyond being in the wrong place at the wrong time. *Talking about Torture's* careful deconstruction of how the US came to accept the use of torture by simply reinterpreting what torture is and in doing so, at least for Del Rosso, made itself more vulnerable as opposed to secure.

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3 Rampell, 'Ivy League Economist Ethnically Profiled, Interrogated for Doing Math on American Airlines Flight', 7 May 2016, available at: www.washingtonpost.com/news/rampage/wp/2016/05/07/ivy-league-economist-interrogated-for-doing-math-on-american-airlines-flight/ [last accessed 9 June 2016].